

District Judge James L. Robart

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SEA SHEPHERD LEGAL,

Plaintiff,

v.

NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION, *et*
al.,

Defendants.

Case No. C19-463 JLR

JOINT STATUS REPORT AND
ORDER

Noted for Consideration:
June 2, 2020

Plaintiff SEA SHEPHERD LEGAL (“SSL”) filed the above-captioned lawsuit under the Freedom of Information Act (“FOIA”) against Defendants NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION and NATIONAL MARINE FISHERIES SERVICES (collectively, Defendants), seeking disclosure of certain documents (“First FOIA Lawsuit”). On October 11, 2019, the Court granted the parties’ stipulated motion to stay the dispositive briefing schedule. Dkt. No. 19. Defendants began processing additional documents in response to SSL’s FOIA request at issue in this case as well as SSL’s supplemental FOIA request in a related case pending before the Court. *Sea Shepherd Legal v. NOAA, et al.* 19-cv-1485-JLR (“Second FOIA Lawsuit”).

Since the Court granted the parties’ stipulated motion, Defendants have produced all non-exempt responsive records between December 21, 2018 and March 18, 2019.

Defendants are currently processing potentially responsive records to SSL's FOIA request at issue in the Second FOIA Lawsuit for the remaining period prior to October 9, 2019. Defendants anticipate that all non-exempt responsive records will be produced by the end of July 2020. Defendants have also provided a *Vaughn* index for documents released to date that have been redacted under FOIA Exemptions 5 and 7.

SSL has brought to Defendants' attention concerns about the FOIA exemptions applied to redactions for the documents covered by Defendants' recently provided *Vaughn* index. The parties submit this JSR to notify the Court that it has become apparent that a resolution is not feasible as to a number of issues, including those relating to the FOIA exemptions relied upon by Defendants. Accordingly, the parties will submit a joint briefing schedule to the Court by June 4, 2020.

Pursuant to FRCP 42(a), the parties also intend to file a stipulated motion requesting consolidation of the First and Second FOIA Lawsuits solely for the purpose of the Court's consideration of the parties' briefing concerning Defendants' document redactions. As will be further detailed in the stipulated motion, both FOIA cases involve common issues of law and fact. Consolidation offers efficiency and convenience and would not delay disposition of either case.

Dated this 2nd day of June 2020.

Respectfully submitted,

s/ Brett W. Sommermeyer

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s/ Catherine E. Pruett

CATHERINE E. PRUETT, WSBA # 35140

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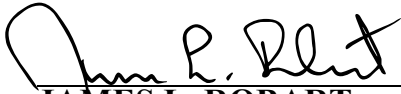
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Attorneys for Defendants

ORDER

IT IS SO ORDERED.

Dated this 3rd day of June 2020.


JAMES L. ROBART
United States District Judge